REMARKS

The Office Action has been carefully studied. Claim 18 is allowed. Claims 1-4, 6-10, 16, and 18-25 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 11-15 have been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. This rejection is obviated by the cancellation of claims 11-15 without prejudice to the filing of a continuation application on claims 11 and 12. Cancelled claims 13-15 are replaced with new claims 23-25 to recite the monoclonal antibody produced from the hybridoma deposited under accession no. I-2068.

Claims 1-4, 6-10, 16 and 19 have been rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps. The examiner indicates that the omitted steps are labels for the detection of eosinophils or basophils because the examiner states that it does not appear to be possible to detect eosinophils or basophils without a label or stain. This rejection is respectfully traversed.

Applicants stated in the last response that, if an antibody binds to eosinophils and/or basophils, then it is possible to use conventional methods that physically trap the

bound antibodies, i.e., chromatography column, to isolate eosinophils and/or basophils. Such methods, which are well known in the art, do not require labeling of the antibody. It is important to note that the IL-5 receptor is only expressed on eosinophils or basophils. It would be recognized and understood by one of skill in the art that these cells are detected because the antibody is bound to the cells, with the antibody itself acting as a "label" that is detected. There are numerous methods for detecting antibodies which do not necessarily require labeling or staining of the antibody. Therefore, a labeling or staining step for either the cells or the antibody is not critical to the presently claimed process. No essential step or steps are omitted.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Because the present specification does disclose a particular embodiment in which the anti-IL5R antibody can be labeled by conjugation with a fluorochrome prior to contact between the cells and the anti-IL5R antibody, a new dependent claim 21 is added which recites that the monoclonal antibody is conjugated to a fluorochrome.

Claims 17 and 20 are only objected to as being dependent upon a rejected base claim. Claim 17 has been replaced

by new claim 22, which is dependent from allowed claim 18, and claim 20 is now rewritten in independent form.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By _____
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\R\RINU\Julian1\PTO\AMD OA 10-4-05.doc